

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 12 OF 2016
IN
CRIMINAL APPEAL NO. 4 OF 2016

Sampat Bhausaheb Kharpude	...	Applicant
vs.		
The State of Maharashtra	...	Respondent

Mr.S.V.Kotwal i/b. Mr. Avinash Kamkhedkar, Advocate for the applicant.
Mr. A.S.Patil, APP, for the State.

CORAM: SMT. SADHANA S.JADHAV, J.
DATE : 7th January, 2016.

P.C.

This is an application under Section 389 of Cr.P.C. seeking suspension of substantive sentence. The applicant herein is convicted for the offence punishable under Section 7 of the Prevention of Corruption Act, 1988 and sentenced to suffer R.I. for three years and to pay fine of Rs.2,000/- in default S.I. for three months, the applicant is also convicted for the offence punishable under Section 13(1)(d) read with Section 13(2) of the Prevention of Corruption Act, 1988 and sentenced to suffer R.I. for four years and to pay fine of Rs.2,000/- in default of payment of fine S.I. for three months in Special Case No.15 of 2015 by Special Judge, Pune,

vide judgment and order dated 31.12.2015.

2. The learned counsel for the applicant submits that the applicant has been taken into custody on 31.12.2015. The applicant was on bail during the pendency of the trial and has not committed breach of any conditions. The sentence imposed upon the applicant is a short-term sentence. This Court is hearing appeals of the year 1995 and it would not be possible to take up the appeal for final hearing in the near future. In view of this, the applicant deserves extension of the same relief during the pendency of the appeal. The fine amount is paid. Hence, the following order :-

ORDER

- (i) The application is allowed.
- (ii) The substantive sentence imposed upon the applicant is hereby suspended. He be enlarged on bail. Same bail, fresh bonds.
- (iii) The applicant shall report to the Court of Special Judge once in six months on the dates specified by that Court.
- (iv) In case of failure to attend the Court of Special Judge on any two consecutive dates, the prosecution shall be at liberty to move for cancellation of bail.

(v) Parties to act on an authenticated copy of this order.

Application stands disposed of.

(SMT.SADHANA S.JADHAV, J.)